REMARKS

The Office Action dated January 12, 2006, has been received and carefully noted. The following remarks are submitted as a full and complete response thereto. Claims 1-46 are currently pending in the application, of which claims 1 and 24 are independent claims. Claims 1-46 are respectfully submitted for consideration.

Claims 1 and 24 were rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application Publication No. 20030143991 of Minear et al. ("Minear"). Applicant respectfully traverses this rejection.

Claim 1, upon which claims 2-23 depend, is directed to a method for charging a streaming connection in a mobile packet radio system, the system comprising a streaming source and a subscriber capable of receiving streaming data from said streaming source. The method includes establishing a data connection for a subscriber, establishing a streaming connection between said subscriber and a streaming source, terminating the streaming connection between said subscriber and said streaming source, and charging said streaming connection using a time-based charging.

Claim 24, upon which claims 25-46 depend, is directed to a mobile packet radio system for charging a streaming connection. The system includes a streaming source, a subscriber capable of receiving streaming data from said streaming source, first establishing means for establishing a data connection for said subscriber, second establishing means for establishing a streaming connection between said subscriber and

said streaming source, terminating means for terminating said streaming connection between said subscriber and said streaming source, and a charger for charging said streaming connection using a time-based charging.

Applicant respectfully submits that Minear fails to disclose or suggest all of the elements of any of the presently pending claims.

Minear generally relates to selectively updating datasets (such as software applications and information) stored on a wireless device. As explained at paragraph 0008, in Minear the wireless device maintains a dataset version summary file and compares its summary file with another summary file located on a download server. If a more recent version of a data-set is detected on the download server, the wireless device can download it to overwrite the dataset currently stored on the wireless device. The owner of the wireless device may be charged for the network connection time while downloading the more recent dataset.

Claims 1 and 24 recite "a streaming source" and "a streaming connection." Minear does not disclose at least these features. The Office Action took the position that Minear discloses these features at paragraphs 0008 and 0024. Paragraphs 0008 and 0024, while they do mention connection and downloading generally, do not mention either a "streaming source" or a "streaming connection." Indeed, the word "streaming" is not found anywhere in Minear. Thus, it can be seen that Minear merely discloses a conventional non-streaming connection.

It is unclear why the Office Action does not address the absence of the "streaming" limitation. However, applicant respectfully submits that "streaming" would be understandable to one of ordinary skill in the art.

As paragraph 0026 of the present application mentions, a streaming connection "is a continuous data connection between client, e.g. mobile subscriber 102 and a streaming source, e.g. a streaming server 107. The continuous data connection transfers e.g. video or multimedia content."

Moreover, as one of ordinary skill in the art would understand, in a streaming connection, the receiving party begins to render the contents of the received data packets essentially immediately upon receiving the first few data packets, that is, without waiting until all the data packets associated with the connection have been received.

Thus, for example, in the case of the data packets of a streaming connection including video content, the video content begins to be displayed essentially immediately upon receiving the first data packets, and the video content keeps on being displayed, while more data packets are still being received.

Another way to consider a streaming connection is as essentially a real-time connection of a packet switched variety. However, in the arrangement disclosed by Minear, assuming one of the data-sets included video content, the whole dataset would have to be downloaded to the wireless device before the video content could be displayed, as can be seen from paragraph 0008 of Minear.

In other words, Minear fails to teach or suggest a streaming source or streaming connection, neither explicitly nor implicitly. Consequently, Minear further fails to teach or suggest a subscriber capable of receiving streaming data, establishing a streaming connection, terminating the streaming connection, and charging the streaming connection using a time-based charging. Indeed, Minear fails to disclose or suggest any method or apparatus relating to streaming connections, streaming sources, and their uses. Accordingly, it is respectfully requested that the rejection of claims 1 and 24 be withdrawn.

Claims 2-23 and 25-46 were rejected under 35 U.S.C. 103(a) as being unpatentable over Minear in view of U.S. Patent Application Publication No. 2005/0108156 of Sumino et al. ("Sumino"). The Office Action took the position that Minear teaches all of the elements of the independent claims and some of the elements of the claims that depend from them, but supplied Sumino to remedy deficiencies of Minear as to certain features of the dependent claims. Applicant respectfully traverses this rejection.

Claims 2-23 and 25-46 depend from independent claims 1 and 24 respectively, and recite additional limitations. Minear is discussed above, and is deficient with regard to the independent claims for the reasons explained above. Sumino does not remedy the deficiencies of Minear, and thus the combination of Minear and Sumino fails to disclose or suggest all of the elements of any of the presently pending claims.

Sumino generally relates to a communication control method in a connection-type device, a related relay device, and an accounting management device. As explained at paragraphs 0005, and 0038-0039, Sumino discusses an arrangement enabling an appropriate communication charge to be made on the basis of an amount of data transmitted even when the communication is prematurely discontinued. The communication is HTTP communication on top of a TCP connection. The amount of data is measured on the basis of the size of each packet and the number of the packets.

Sumino, like Minear, also fails to teach or suggest a streaming source or streaming connection. Rather, Sumino discusses HTTP communication on top of a TCP connection, that is to say, a conventional Web-browsing session, as can be seen at paragraph 0040 of Sumino. Furthermore, Sumino fails to teach or suggest time-based charging. Rather, Sumino discloses charging based on the amount of data transmitted or the size of each packet and the number of the packets, that is to say, volume-based charging, as can be seen at paragraphs 0040 and 0055.

Indeed, as with Minear, Sumino does not even mention the word "streaming." Accordingly, it is respectfully submitted that Sumino does not remedy the deficiencies of Minear, and thus that combination of Sumino and Minear fails to disclose or suggest all of the elements of any of the presently pending claims.

For the reasons explained above, it is respectfully submitted that each of claims 1-46 recites subject matter that is neither disclosed nor suggested in the combination of

cited references. It is therefore respectfully requested that all of claims 1-46 be allowed, and that this application be passed to issue.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, Applicant's undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper is not being timely filed, Applicant respectfully petitions for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,

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